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Paper No. 7

In re Application of :
Brian E. Cron :
Application No. 10/075,172 : DECISION ON PETITION
Filed: February 12, 2002 :
Attorney Docket NoMI122-1804 :

This is a decision on the petition filed on July 6, 2004, by which petitioner requests withdrawal of holding that this application stands abandoned for failure to file a timely reply to the Office letter dated November 19, 2003. The petition is considered pursuant to 37 CFR 1.181, and no fee is required.

The petition is granted.

Petitioner alleges that this application is not abandoned because petitioner did in fact file a timely reply to the Office letter in question. Petitioner supports this allegation by submitting a copy of the reply. The reply has affixed thereto a 37 CFR 1.8(a) certificate of transmission dated February 5, 2004, a date within the period for filing a reply to Office letter in question. Therefore, it is clear that this application is not abandoned. See 37 CFR 1.8(b).

Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the Head Supervisory Applications Examiner for entry of the reply that is attached to the petition. The date to which the reply is entitled is February 5, 2004. Thereafter, the application will be forwarded to the examiner for appropriate action.

PETITION GRANTED.

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